

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
*The Blackfeet Tribe of the Blackfeet Indian
Reservation v. AmerisourceBergen Drug Corp.,
et al.*
Case No. 1:18-op-45749

MDL No. 2804

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP., CARDINAL HEALTH, INC.,
AND McKESSON CORP.’S MOTION TO DISMISS (FED. R. CIV. P. 12(b)(6))**

Pursuant to Case Management Orders One (Dkt. 232) and Six (Dkt. 770), Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) move to dismiss the First Amended Complaint in the above-referenced action with prejudice on the basis that it fails to state a claim upon which relief can be granted, for the reasons given in the memorandum filed on August 31, 2018 (sealed version at Dkt. 923 and public version at Dkt. 924), which is incorporated herein by reference.

Pursuant to Case Management Order One Sections 2.g and 2.j, Distributors raise “only those issues they believe are most critical” and do not waive and hereby preserve any defenses not addressed in the motion and accompanying memorandum of law and reserve their rights “to file an individual motion to dismiss” at the appropriate time.

Dated: September 4, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart
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